

1 through their respective counsel, hereby stipulate as follows:

2 Whereas, at the case management conference on April 14, 2006, the Court set briefing
3 schedules and hearing dates in this action, which arises under the Employee Retirement Income
4 Security Act (“ERISA”), 29 U.S.C. section 1001 et seq., whereby defendants are currently
5 scheduled to file an opening brief on a standard of review motion by August 18, 2006 and the
6 hearing is set on September 22, 2006, and the parties are currently scheduled to file opening briefs
7 for cross-motions for summary judgment by November 10, 2006, which are set for hearing or trial
8 on December 15, 2006; and

9 Whereas, plaintiff propounded requests for production of documents in this ERISA action,
10 and the parties are currently meeting and conferring regarding her discovery requests, and

11 Whereas, plaintiff contends that the outcome of the pending discovery dispute will affect
12 the briefing of the standard of the review motion, and in the interest of judicial economy the parties
13 wish to resolve the discovery issues before briefing the standard of review motion, and

14 Whereas, the parties participated in an ADR phone conference with the Court’s ADR unit
15 on April 11, 2006 per the Court’s ADR local rules, and agreed at that time to participate in
16 mediation before a Court-appointed mediator, but the ADR Unit still has not appointed a mediator
17 in this action, and

18 Whereas, the mediation is not likely to be completed prior to the briefing of the standard of
19 review motion, and in the interest of judicial economy the parties wish to proceed with mediation
20 before incurring the time and expense of briefing the standard of review motion, and

21 Whereas, plaintiff’s counsel will be on vacation and unavailable for any purpose from
22 September 25, 2006 to October 13, 2006, and

23 Whereas, none of the parties will be prejudiced by a continuance of the briefing schedule
24 and hearing on the standard of review motion, or the briefing schedule and hearing or trial on the
25 cross-motions for summary judgment;

26 Now, therefore, the parties hereby stipulate to and mutually request that the Court grant an
27 extension of the briefing schedule and hearing of the standard of review motion, in which the date
28 by which defendants are to file their opening brief is extended to October 13, 2006 and the hearing

1 date is continued to November 17, 2006; and that the court grant an extension of the briefing
2 schedule and hearing or trial of the cross-motions for summary judgment, in which the date by
3 which the parties are to file their opening briefs is extended to January 12, 2007 and the hearing or
4 trial date is continued February 16, 2007.

5 Dated: August 11, 2006

ROBOOSTOFF & KALKIN

6 /s/

7 Constantin V. Roboostoff
8 Attorneys for Plaintiff
9 Christine Ondersma

10 Dated: August 11, 2006

11 SEDGWICK DETERT MORAN &
12 ARNOLD, LLP

13 /s/

14 Michael N. Westheimer
15 Rebecca A. Hull
16 Attorneys for Defendant
17 Wells Fargo & Company Long Term
18 Disability Plan, and Metropolitan Life
19 Insurance Company

20 IT IS SO ORDERED.

21 Dated: August 14, 2006



22 Honorable Maxine M. Chesney
23 United States District Judge

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